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OFFICE OF PETITIONS

In re Patent No. 7,638,480 : DECISION ON REQUEST
Power et al. : FOR
Issue Date: December 29, 2009: RECONSIDERATION OF
Application No. 10/510,876 : PATENT TERM ADJUSTMENT
Filed: June 20, 2005 : and
Atty Docket No. SLII-P01-001 : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on February 9, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by an additional 364 days to one thousand and sixty-two (1062) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The patent term adjustment is corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand and sixty-two (1062) days.

It is noted that the patent term adjustment is increased to 1062 days as requested by patentee. However, this reflects an additional 347 days, not 364 days of patent term adjustment. The patent issued on December 29, 2009, three years and 811 days after the agreed national stage commencement date of September 10, 2004. Considering the undisputed 37 day overlap, the patent term adjustment is properly increased by 774 (811 - 37) days for "B" delay. As 427 days of patent term was accorded at issuance, the proper increase in pta is 347 (774 - 427) for a total of 1062 days of patent term adjustment.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or

patentee an opportunity to be heard. Accordingly, patentees are given one (1) month or thirty (30) days, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one thousand and sixty-two (1062) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in cursive script, appearing to read "Nancy Johnson".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,638,480 B2

DATED : December 29, 2009

DRAFT

INVENTOR(S) : Power et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 715 days

Delete the phrase "by 715 days" and insert – by 1062 days--